

**SUSANVILLE CITY COUNCIL
SUSANVILLE COMMUNITY DEVELOPMENT AGENCY
SUSANVILLE MUNICIPAL ENERGY CORPORATION
SUSANVILLE PUBLIC FINANCING AUTHORITY
Regular Meeting Minutes
November 6, 2013 – 6:00 p.m.
City Council Chambers 66 North Lassen Street Susanville CA 96130**

Meeting was called to order at 6:00 p.m. by Mayor De Boer.

Roll call of Councilmembers present: Cheryl L. McDonald, Nicholas McBride, Lino P. Callegari, Mayor pro tem Wilson and Mayor Rod E. De Boer.

Staff present: Jared G. Hancock, City Administrator, Peter M. Talia, City Attorney and Gwenna MacDonald, City Clerk.

1 APPROVAL OF AGENDA:

Mr. Hancock noted that a modification was provided for Item 9C – Consider Ordinance No. 13-0994 amending Susanville Municipal Code Title 15 Building and Construction.

Motion by Councilmember Callegari, second by Councilmember McDonald to approve the agenda as submitted; motion carried unanimously.

2 PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS: There were no comments.

3 CLOSED SESSION: At 6:01 p.m. the Council recessed to closed session to discuss the following:

- A CONFERENCE WITH LABOR NEGOTIATOR – pursuant to Government Code §54957.6:
 - 1 Agency Negotiator: Jared G. Hancock
Bargaining Unit: SPOA: 2013/2014

- B CONFERENCE WITH LEGAL COUNSEL – Anticipated litigation: Significant exposure to litigation pursuant to Government Code §54956.9 (b): four cases

- C CONFERENCE WITH LEGAL COUNSEL – Existing litigation pursuant to Government Code §54956.9 (a):
 - 1 City vs. Northern Sierra Homes, LLC Lassen County Court Case: #50050

- D PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE – pursuant to Government Code §54957

- E PUBLIC EMPLOYMENT – pursuant to Government Code Section 54957:
 - 1 Title: Finance Manager
 - 2 Approved Position List

4 RETURN TO OPEN SESSION: At 7:00 p.m. the City Council reconvened in open session.

Staff present: Craig Platt, Public Works Director; Tom Downing, Police Chief; Theodore Friedline, Fire Chief; James Moore, Battalion Chief; Charles Palmer, Building Official; and Gwenna MacDonald, City Clerk.

Mr. Hancock reported that the agenda was approved with as submitted but noted that the corrected Item 9C was submitted.

Mr. Hancock reported that the City Council had given direction in closed session and had voted unanimously to increase the salary for the Finance Manager position to assist with recruitment, and the addition of a temporary Police Officer and Account Tech position had been approved to address short term shortages in staffing.

Mr. Platt offered the thought of the day.

Mayor De Boer noted that a Proclamation for Veterans Day would be presented at the Veterans Hall on November 11, 2013.

5 BUSINESS FROM THE FLOOR: No comments.

6 CONSENT CALENDAR: Mayor De Boer reviewed the items on the Consent Calendar:

- A Receive and file minutes from City Council's October 2, 2013 meeting
- B Approve vendor warrants numbered 89190 through 89398 for a total of \$641,615.25 including \$212,825.28 in payroll warrants
- C Receive and file Finance Report: September 2013
- D Receive and file Treasurer Report: September 2013
- E Approve **Resolution No. 13-4997** authorizing execution of airport hangar lease lot #14 with Michael Guthrie

Motion by Mayor pro tem Wilson, second by Councilmember McBride to approve the consent calendar; motion carried unanimously.

7 PUBLIC HEARINGS:

7A Consideration of Weed and Rubbish assessment and lien against certain real properties located within the City of Susanville:

- 1 Public Hearing: Solicit and consider comments relative to abatement/lien at:
 - 1275 North Street APN: 103-244-08
 - 1116 Mark Street APN: 103-231-08
 - 355 N. Weatherlow Street APN: 103-231-13
 - 80 Russell Avenue APN: 105-251-12
 - Riverside Drive APN: 105-301-02
 - 2415 River Street APN: 105-301-03
 - 855 Plumas Street APN: 107-192-13
 - End of Alexander adjacent APN: 107-250-04 to Sierra Street

- 2 Action: Consider Resolution No. 13-4999, 13-5000, 13-5001, 13-5002, 13-5003, 13-5004, 13-5005 and 13-5006; approving reports on assessment and lien against certain real properties and confirming assessment and lien against properties

Chief Friedline reported that the Fire Department has been actively abating properties that present a fire hazard and/or rubbish nuisance according to Chapter 8.28 of the Susanville Municipal Code. The Department has followed the process of notification that begins in May when letters are sent to property owners whose properties have been cleaned up in the past, continuing in June when the City Council establishes a deadline for cleaning up weeds and other issues that present a fire hazard within the City limits. He described the process for working with homeowners to allow them the opportunity to clean up their own property, and the subsequent steps when the City abates the property and attempts to recoup the cost. The final step in the process is conducting a public hearing to assess a lien on the property in the amount of the cost of abatement plus an additional administrative fee which covers the costs of notification and compliance. A total of eight properties with a total value of \$3,725 in abatement costs is on the agenda for Council approval in order to recover the costs incurred.

Mayor De Boer opened the public hearing at 7:06 p.m. and asked for comments from the public.

Reesa Rice objected to the lien assessment for the property at 355 N. Weatherlow Street. She stated that her property was never posted and that she and her husband have been maintaining it as best as they could, asking for an explanation of the standard that the Department uses to determine when the weeds present a hazard.

Chief Friedline explained the notification process that the department uses for homeowners, adding that the standard is largely complaint-driven, based upon contact that the fire department receives.

Ms. Rice insisted that her property had been mowed to less than six inches and that the Department should consider that complaints could be personal issues between neighbors who are just trying to cause trouble.

Mayor De Boer suggested pulling Resolution No. 13-5001 approving the lien for Ms. Rice's property pending further discussion to address her concerns.

There being no further comments, Mayor De Boer closed the public hearing at 7:12 p.m.

Motion by Councilmember Callegari to approve Resolution No. 13-4999 through 13-5006 with the exception of Resolution No. 13-5001; Councilmember McDonald provided a second and the motion carried unanimously.

Mayor De Boer announced that Item 9-F would be considered first, and invited any comments from the public pertaining to any business other than the Swimming Pool JPA.

Tom Neely, Lassen Fair Board President, and Todd Eid invited the City Council to attend a dinner being held Saturday evening at Jensen Hall to honor and thank the sponsors of the Lassen County Fair. He thanked the City Council for their continued support of the fair.

8 **COUNCIL DISCUSSION/ANNOUNCEMENTS:** No business.
Commission/Committee Reports:

9 **NEW BUSINESS:**

9F **Consider approval of Swimming Pool Joint Powers Agreement with Lassen County**
Mayor De Boer invited comments from those members of the public wishing to speak regarding the formation of a Swimming Pool JPA.

Aria Heath commented that a swimming pool would be an opportunity for young people to have something else to do in the community and would help kids stay out of trouble.

Phoebe Freeman read a letter in strong support of building a swimming pool in the community.

A woman representing young women from a local church spoke in support of a pool, urging the City Council to make supporting the community's youth a priority.

An unidentified young woman stated that her family had moved to Susanville because of her mother's job, and she was very disappointed that there was no community pool.

Ms. Rice commented that she spoke at the last meeting regarding the support of a swimming pool, and she knows how much the members of the community would love to have a pool. She said that children and young people have an opportunity to play soccer and other sports but there is no opportunity to swim.

An unidentified woman explained that there a lot of handicapped folks in the community, young and old, and for many of them there is no opportunity to exercise in a way that is fun for them.

An unidentified man spoke regarding the Susan Ranch park support, and said that over the years, time after the time the community supports the youth and recreation events for youth in the community. The special needs community has no advocate, and for many handicapped people, water therapy is an important part of their wellness, and they have to pay for someone to take them out of town for water therapy. He stated that it was a shame to have the availability of geothermal and not take advantage of that in order to have a swimming pool.

An unidentified woman commented that she understands that a swimming pool costs money, and it's not a simple matter to dig a hole and fill it with water but she urges the Council to make the formation of a JPA to bring back a pool a priority.

Mr. Hancock reported that since the Roosevelt pool closed, there have been a number of efforts by various groups to bring the topic of a swimming pool to the forefront of discussions. The draft JPA was designed around the City and County for the formation of a group that would study the potential design, analysis and potential locations to bring a swimming pool to the community. The draft agreement was brought forth to the City, the Board of Supervisors suggested additional language to address a number of concerns that had been expressed by both agencies. He reviewed changes to the draft, and stated that it was anticipated that there may be a few additional modifications. What is presented to the Council is a vote to commit to the formation of the JPA and to include a line item in the mid-year budget to identify funding options. He invited comments or suggestions from the City Council regarding the draft agreement.

Councilmember McDonald stated that she is not against the swimming pool, it is the tremendous cost to fund the JPA that she objects to.

Councilmember Callegari stated that he wanted to clarify a few points for the new members of the audience who were not at the last meeting. There is no question that the City Council has always wanted a pool. The City has a pool, and it has geothermal energy. The only reason that the pool was closed was for safety reasons because the walls had shift out about four inches. The walls of the pool are made of wood; replace the walls, support the ceiling and we have a pool. It has been suggested that the pool leaks, but plumbers fix leaks all of the time. The City has not repaired the pool because the City does not own it; it is owned by

the school district. The State closed it because it was unsafe and that was the only reason. If you tore down the walls you could fill it with water and then you'd have a pool.

Councilmember McBride clarified that Councilmember Callegari stated at a previous meeting that he had toured the old Roosevelt pool facility. Councilmember Callegari confirmed that he had. Councilmember McBride responded that he had toured the facility with Councilmember Callegari, former Councilmember Sayers, and former Pool Manager Tony Jonas. After that tour, the statement that you made was that the City needed a new pool. Councilmember McBride quoted a statement from 2005 City Council meeting minutes made by Councilmember Callegari when the vote was unanimous to close the Roosevelt pool. He asked if the City could have kept the Roosevelt pool open, then why didn't the City vote to support repairing the facility at a time when there was \$2.5 million more revenue in the annual budget. That's the question that everyone should be asking.

Councilmember Callegari responded that he did not close the swimming pool, the State mandated its closure. He stated that the City and County need to have the structure evaluated by contractors who could provide an expert opinion on the repair costs, and not have the determination made by lay people that it cannot be repaired and re-opened. What he brought up at the last discussion was that several years ago two girls got a blast in the face from the jets that mix the chemicals, and the City was sued over it. Those types of issues can be addressed. A pool is piping, jets, and a holding tank and that's all you have. You could have someone come in and give you a price to repair the wall and open the doors tomorrow.

Regarding the opportunity for handicapped people, the City was awarded \$2.4 million dollars from the State to build a park and the money was here. Three councilmembers voted to refuse the grant award, and another City in California has benefited from that. He shared that he was asked by three college students from another country who came here to Lassen College to play soccer because they were told that the City was building new soccer fields. The City had the money, but chose to send it back to the State because the estimated \$40,000 annual maintenance cost was too expensive, and there was not enough community input, even though the City held six public hearings.

Councilmember Callegari continued by stating that the community has a pool and it can be repaired. Rumor is what closed the pool, and that is all that you will ever hear about why it was closed is rumor. The engineer who came and evaluated the pool claimed that repairing the facility would require that it be brought up to current building codes but that is not true because it is an existing facility, and the City would only have to address the safety issue of the wall. Many towns do not have pools, and at the prior meeting a family who had moved from Stockton spoke. Stockton had to file bankruptcy. The City does not have the money in the budget. The Council voted to support the Airport and Golf Course through its general fund and now that debt has been assumed and will eventually fall to the taxpayers. The City has a debit to the retirement system that has to be repaid. There is no budget or obligation to build a swimming pool and that's why there is a problem. He does not support committing the City to spending \$3 million dollars over the next fifteen years because once it is built you will have to maintain it. He has not seen a proposal, a cost estimate, and until you have the old facility evaluated by an expert with good advice on the cost to repair it, he will not vote to support the construction of a new facility.

Councilmember McBride asked Councilmember Callegari to answer his question of how the City can afford to fix the old swimming pool if there is no money in the budget or how it could be cheaper to repair Roosevelt Pool today than it would have been in 2005.

Councilmember Callegari responded that you have to be innovative with the repair costs and options. There is nothing but talk without any facts or understanding on what it will cost to build a new pool. He referred to the City's natural gas bond rating and assured the Council that if a \$3 million debt to build a swimming pool is secured, that the City's credit rating will drop below a level C and the City will not be able to afford to finance anything.

Councilmember McBride referenced a community survey that was brought up at a prior meeting, and how the priorities to the residents of Susanville included Streets, Police, and Fire. Those items have been made a priority and the City has committed to supporting those departments and has completed a number of improvements to the City streets over the summer. Number four on the list was a swimming pool and the City Council owes it to the voters that elected them into office to listen to their concerns and support what they have said is a priority.

Councilmember McBride addressed Councilmember McDonald who he campaigned with during the 2010 election. He stated that they attended several meetings and events throughout the course of the election, and she had gone door to door and talked to citizens about what their priorities were. At those meetings, she stated that the priority was always a swimming pool, and he asked how she could vote against a swimming pool when the constituents who voted her into office voted for her because they thought she would help to bring a pool to the community. After the election he stated that she went on record to vote against a swimming pool tax because it would have a negative impact on seniors who are on fixed income. The formation of a JPA is the best opportunity to protect those seniors from having to pay a tax.

Councilmember McBride stated that he understood the Mayor's position and agreed that the Park Mitigation funds should not be included in the funding for a swimming pool, and should be allocated towards improvements to the City's existing parks.

Councilmember McBride introduced his sister who was in attendance with her children, and said that when they were growing up they attended City Care and spent a lot of time swimming at Roosevelt Pool and enjoying the activities that the City used to provide the youth in the Community. He concluded by stating that he moved back to Susanville after graduating high school and traveling and he was not happy with what he found when he returned home so he decided to run for City Council. It took two tries but he was elected and is committed to supporting the voters who elected him into office, and the voters have spoken loud and clear. He urged those in attendance to make their voices heard and stated that the only way the City is going to get a swimming pool is if the citizens are in support of it.

Councilmember Callegari asked why Councilmember McBride voted against the Sierra Park if recreation opportunities for youth were so important.

Councilmember McBride stated that the reason he voted against the Sierra Park is because the proposed design did not meet the ADA requirements for accessibility that the State required. A parking lot of asphalt chips and decomposed granite paved walkways is not handicapped accessible. The project budget for the park did not include improvements to the streets and sidewalks which would have made it accessible for handicapped citizens according to ADA standards.

Mayor De Boer stated that the issue for discussion was not why the City did not build the Sierra Park, and asked to stay within the parameters of the discussion on the agenda.

Mayor pro tem Wilson stated that fear is a powerful force, and that is what is being discussed; not about why something can be done, but all of the reasons why it cannot be done. The City does have a pool that was leased from the school District and could it have been repaired over the past nine years, maybe if the Council had supported that direction. He stated that from everything he has read and seen regarding the closure of the Roosevelt Pool, he does believe that a repair would be possible. The engineer who reviewed the structure did not provide any numbers because he stated that it would be cheaper to rebuild than repair. He supports the construction of a community swimming pool because the survey results discussed earlier showed that expansion of parks was number seven on the list, and he believes that what little money the City has should be put towards the priorities of the citizens of the community. In the context of the City's budget, four dollars out of every 100 received would be set aside for a swimming pool and he believes that the number five priority of the citizens is enough to earn those dollars. The item on the agenda is the formation of a JPA to move forward and answer questions, one of which should definitely be consideration to repair the Roosevelt Pool.

Mayor De Boer stated that it is his opinion that the five people who will represent the City, County, and Community should be the ones whose responsibility is to investigate and determine whether or not a swimming pool can be built. They will research and come up with options of how it should look, where it should be built, what features it should have, how much it will cost to build and maintain, what loan options or other funding sources are available, and whether it is cheaper to repair the old pool or build a new one. Those are the things that the JPA will be considering and bringing forth to the City Council and Board of Supervisors so that the question can be answered, can the community afford to build a pool without jeopardizing existing services.

Motion by Councilmember McBride, second by Mayor pro tem Wilson to adopt the Joint Powers Authority and include funding in mid-year budget; motion carried with Councilmember Callegari and Councilmember McDonald voting No.

The Mayor called for a five minute recess.

9A Consider approval of Resolution No. 13-4995 approving Automatic Fire Protection Aid contract with CalFire Chief Friedline explained that the City has an agreement for Automatic Aid with CalFire to provide fire suppression resources automatically and without cost in the event of a fire emergency. The term of the agreement is five years, and it is recommended to renew the agreement with no proposed changes.

Motion by Councilmember McDonald, second by Mayor pro tem Wilson, to approve Resolution no. 13-4995; motion carried unanimously.

9B Consider approval of Resolution No. 13-4996 approving agreement for Conservation Camp Program with the State of California Chief Friedline explained that the City has many routine maintenance and projects which are difficult to accomplish with limited staffing levels. Some of these include but are not limited to cleaning up weeds on City owned properties, River trail and Skyline trail maintenance, Susan River bank and vegetation maintenance. In the past staff has utilized Cal Fire Conservation Camp crews for the completion of projects and it is necessary to execute an MOU with the State to continue using the crews in a mutually equitable manner. He reviewed the cost and terms of using the work crews.

Motion by Mayor pro tem Wilson, second by Councilmember Callegari to approve Resolution No. 13-4996; motion carried unanimously.

9C Consider Ordinance No. 13-0994 amending Susanville Municipal Code Title 15 Building and Construction; waive first reading and introduce Mr. Palmer reviewed proposed changes to Susanville Municipal Code Title 15 which would be implemented with the adoption of the 2013 California Building Code. The City is required by State law to enforce the provisions of the new Code and in addition to its adoption, Ordinance No. 13-0994 will adopt various appendices to assist with implementation of the Code. He reviewed various proposed changes to Chapter 15. He clarified that the second reading of the Ordinance would need to be conducted at a public hearing scheduled for December 4, 2013.

Motion by Councilmember Callegari, second by Councilmember McDonald to waive the first reading and introduce Ordinance No. 13-0994; motion carried unanimously.

9D Consider approval of Resolution No. 13-4998 approving Memorial Park Ball Field Project

Mr. Hancock reported that the City received a letter of request from Steve Robertson of the American Legion Baseball group requesting funding from the Memorial Park and Ball Field Capital Improvement Fund to complete a re-roofing project. The project would include repairs to the dugouts, sheds, concession stand and scoring booth. The rolled roofing material utilized on these buildings have been damaged during a recent wind storm and the concession stand has sustained some water damage.

Mr. Hancock explained that bid proposals had been submitted to utilize metal roofing material to match the grandstand roof, with a total bid of \$9,301.63 to include materials and labor. The current fund balance is \$14,765, with all revenues derived from the lease agreement with Omnipoint Communications restricted to improvements at the Ball Park.

Steve Robertson and Frank Avilla spoke in support of the project, discussing the history of the ball field, projects that have been completed and those that will be upcoming in the next few years. The groups who use the field agree that the re-roof project is a priority, and he thanked the City Council for their continued support of the ball field.

Mayor pro tem Wilson remarked that he does not want to vote no for the proposed project, but he noted that the bids are not current and he does not want to have the unsuccessful bidders come back and say that they could have offered a better price if they had been given another opportunity.

Mr. Hancock responded that he understood the bids to be current, and the City's purchasing policy requires that three bids are obtained.

Mr. Robertson explained the difficulty in obtaining bids and the urgency to complete the project before winter weather arrives, causing more damage to the existing structures.

It was the consensus of the Council to move forward with the project, obtain updated bids and approve the resolution with a 'not to exceed' provision.

Motion by Councilmember McBride, second by Mayor pro tem Wilson to approve Resolution No. 13-4998 to approve funding the project at a cost not to exceed \$9,301.63; motion carried unanimously.

Jim Chapman thanked the City Council for always supporting improvements to the Park. The ball field is reminiscent of ball fields from the 1950's and it needs to be preserved. He recognizes the contributions of

Councilmember Callegari over the years in rallying support to maintain the facilities, calling the preservation of the park a community effort that is important to everyone involved. He reminds the Council that the park belongs to the entire community and not just the groups who use the ball field. There needs to be support and mutual respect when those other groups are hosting their respective events.

9E Consider approval of Resolution No. 13-5007 approving revision of Capital Asset Policy Mr. Hancock explained that the City Council adopted a Capital Asset policy in 2004 setting the threshold for the capitalization of assets at \$5,000 or more. He has utilize the expertise of Kevin Harper to update and expand the basic policy with one that more completely defines what a capital asset is, how it is valued, what its useful life is and how it is recorded. The policy also explains how to perform a fiscal inventory and when it can be deleted from the inventory worksheet and disposed of. Adoption of the policy will provide consistency in maintaining the inventory records of the City.

Motion by Councilmember McDonald, second by Mayor pro tem Wilson to approve Resolution No. 13-5007; motion carried unanimously.

9G Consider approval of Fee Reduction Request for Conditional Use Permit (Over Height Fence) for 385 North Weatherlow Mr. Hancock explained that the owner of the property located at 385 N. Weatherlow is requesting to build a six foot tall fence on the property line adjacent to Mark Sreet. The current zoning code imposes a 10 foot side yard setback and limits the fence height to 3 feet on the side yard. The current fence was constructed prior to the current zoning ordinance and a use permit would be required for the construction of an over height fence. The fee for a building permit and use permit is \$421, and the property owner is requesting a waiver of the Use Permit fee of \$318.

The Council discussed the merits of allowing the project, the role that the Planning Commission plays in the use permit process, and the wisdom of allowing citizens to bypass the process and request exceptions from the City Council.

It was the consensus of the City Council to deny the fee reduction request and direct the property owner to follow the proper process by applying for a use permit through the planning commission.

10 SUSANVILLE COMMUNITY DEVELOPMENT AGENCY: No business.

11 SUSANVILLE MUNICIPAL ENERGY CORPORATION: No business.

12 CONTINUING BUSINESS: No business.

13 CITY ADMINISTRATOR'S REPORTS:

13A Susanville Rehab B Update Mr. Platt reviewed the projects completed to date with funding through the Susanville Rehab B funding. There is approximately \$105,000 remaining after the completion of the Riverside Drive and Grand Avenue projects, and it is the City's intention to spend every nickel of the funding. The City proposes to rehabilitate Laurel Street, and has received a cost estimate from Dig It Construction based on City estimated quantities of materials of \$109,000. It is possible that the cost will come in below that given other factors including curb and gutter improvements proposed by Dollar General and Tractor Supply developments. If additional funds are needed, the City will utilized Street Mitigation funds to complete the repairs.

14 **COUNCIL ITEMS:**

14A **AB1234 travel reports:**

15 **ADJOURNMENT:** Motion by Councilmember Callegari, second by Councilmember McBride to adjourn the meeting; motion carried.

Meeting adjourned at 8:55 p.m.

Respectfully submitted by

Gwenna MacDonald, City Clerk

Rod E. De Boer, Mayor

Approved on _____